



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,960	05/01/2001	Hideo Takiguchi	862.1336 DI	5111

5514 7590 05/23/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

JANKUS, ALMIS R

ART UNIT	PAPER NUMBER
----------	--------------

2671

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,960

Applicant(s)

TAKIGUCHI ET AL.

Examiner

Almis R Jankus

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-90,96-109,117,118,123 and 124 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 62-76,80-86,99-105,123 and 124 is/are allowed.
- 6) ☒ Claim(s) 36-38,49-51,77,96,117 and 118 is/are rejected.
- 7) ☒ Claim(s) 39-48,52-61,78,79,87-90,97,98 and 106-109 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's election with traverse of 3/6/03 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the claims of Groups I and II are all directed to the field of art concerning manipulation of image data for display, and that examination of all claims of Groups I and II can be made without serious burden. This is not found persuasive because applicant's statement of scope is so broad that it encompasses not only separate classes of invention, but also separate examining groups within the USPTO.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 36-90, 96-109, 117, 118, 123, and 124 are presented for examination.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 36, 37, 38, 49, 50, 51, 77, 96, 117, and 118 are rejected under 35 U.S.C. 102(b) as being anticipated by Mackinlay et al.

With respect to claim 36, Mackinlay et al. teaches the claimed hierarchical data display method for displaying hierarchically-managed data items, comprising steps of: dividing a display area into an area, in which data icons representing data items belonging to one level are displayed, and an area in which child levels are displayed; and displaying said data icons with a size varied depending on a hierarchical depth, at figure 3 at page 111. The display is divided into an area, as can be seen at figure 3, in which the data icons representing data items belonging to one level can be seen as the most distant level representing years. The child levels are the levels of a particular year within the years, then a particular month within the particular year, then a particular week within the particular month, etc.; and, as also can be seen at figure 3, the size of the data icons varies depending on the hierarchical depth. Also, Mackinlay et al. teaches the claimed hierarchically-managed data items, at page 109 with the teaching of "a vast amount of useful information is rapidly becoming available to businesses and individuals via technologies such as CDROM disks and high speed networks. This increasing mass of information has created a demand for information management applications. Time based information, in particular, is an important part of many information access tasks", and also at page 109, "although routine, tasks involving time based information can benefit from visualization. For example, scheduling a group meeting is a task that typically involves many events and constraints. Visualization can

even be required for tasks involving a single daily schedule. For example, a person might need to access the previous couple of years to generate a bill, justify a raise, or plan future activities, which could easily involve more than 1000 days and many thousands of events. Timelines of such information have wide aspect ratios that do not easily fit on paper or computer displays. Typically people break the linear nature of time into a hierarchy of calendars such as year, month, and day. This hierarchy captures daily and seasonal cycles that can be quite useful for scheduling events”.

Claim 37 further requires hierarchical data display method according to claim 36, wherein as said hierarchical depth increases, said data icon size is decreased. This can be seen at figure 3 with the data icon size varying inversely with hierarchical depth, and as taught at page 111 with “Our final design for an individual schedule, called the Spiral Calendar, is shown in Figure 3. The Spiral Calendar uses 3D to place the various calendars in a receding spiral. The spiral lets the text face the user and also shows the translucent truncated pyramids connecting the calendars. The design of the Spiral Calendar has a number of advantages. The 3D spiral makes efficient use of screen space because details are large and context is small but available for interaction. Perceptually, the user can interact with a familiar and engaging 3D object.”

Claim 38 further requires that as said hierarchical depth increases, said data icons are simplified more greatly. This can be seen at figure 3 in that as the hierarchical depth increases, the data icons are simplified. For example, the child level

showing the month of August shows the 31 days of August. However, as the hierarchical depth increases to the year of 1993, the month of August no longer shows the 31 days, but is shown only as the data icon of August, thereby being simplified.

Claims 49, 50, and 51 are similar to claims 36, 37, and 38 respectively, and further require a browser system. Mackinlay et al. teaches using high-speed networks, at page 109, which inherently use browsers.

Claim 77 is similar to claim 1 but further requires an image editing method. Mackinlay et al. teaches this feature at page 116 under "Revision".

Claim 96 is similar to claim 77 but further requires an image editing system. Mackinlay et al. teaches this at page 116 under "Revision".

Claims 117 and 118 are similar to claim 1 but further requires a computer program product. Mackinlay et al. teaches this at page 109 as a CD-ROM.

5. Claims 62-76, 80-86, 99-105, 123 and 124 are allowed.
6. Claims 39-48, 52-61, 78, 79, 87-90, 97, 98, and 106-109 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

Art Unit: 2671

independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis R Jankus whose telephone number is 703-305-9795. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6606 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

AJ
May 19, 2003



ALMIS R. JANKUS
PRIMARY EXAMINER